

<b>IN RE: APPEAL OF YITZCHOK FOGEL          RELATIVE TO A PROPERTY LOCATED          AT 424-426 SPRUCE STREET, CITY OF          READING, BERKS COUNTY,          PENNSYLVANIA</b>	<b>: BEFORE THE ZONING HEARING          : BOARD OF THE CITY OF READING,          : PENNSYLVANIA          :          : APPEAL NO. 2019-17          :          : VARIANCE, INTERPRETATION          : AND/OR SPECIAL EXCEPTION</b>
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**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

**AND NOW**, this 13<sup>th</sup> day of November, 2019, a hearing having been held on October 16, 2019, upon the application of Yitzchok Fogel, notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

The Zoning Board finds the following facts:

1. Applicant is Yitzchok Fogel, an adult individual who resides at 20 Zenta Road, Unit 301, Monroe, New York 10950 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 424-426 Spruce Street, City of Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant was represented at the hearing by Larry Miller, Jr., Esquire.
5. Applicant seeks approval to convert two (2) single family dwellings into a total of seven (7) dwelling units under Sections 600-804 and 600-1101 of the Zoning Ordinance and all associated variances, special exceptions and interpretations.
6. Applicant purchased the Subject Property at a tax sale.
7. Applicant found the Subject Property to be in significant disrepair.

8. Applicant testified that 426 Spruce Street was being used as a ten (10) room boarding house and 424 Spruce Street was being used as a three (3) bedroom apartment when he purchased the Subject Property.

9. The Zoning Board finds 424 Spruce Street and 426 Spruce Street are currently both zoned as single-family units and multi-family approvals were never granted.

10. Applicant desires to establish a four (4) unit apartment building at 426 Spruce Street and a three (3) unit apartment building at 424 Spruce Street.

11. There is no off-street parking available at the Subject Property.

12. Applicant has contracted for parking for the proposed apartments at a nearby parking facility.

13. Applicant's sole reason for the proposed conversion is for monetary gain.

14. The Subject Property can be used in accordance with the strict terms of the Zoning Ordinance.

15. There is no hardship at the Subject Property.

16. The Zoning Board finds the proposed conversion will be a detriment to the health, safety and welfare of the neighborhood and is not in keeping with the spirit and intent of the Ordinance.

#### **DISCUSSION**

Applicant seeks approval to convert a two (2) single family dwellings into a total of seven (7) dwelling units under Sections 600-804 and 600-1101 of the Zoning Ordinance. The proposed use will be a detriment to the health, safety and welfare of the neighborhood and is not in keeping with the spirit and intent of the Ordinance. In addition, there is no hardship.

#### **CONCLUSIONS OF LAW**

1. Applicant is Yitzchok Fogel.
2. The Subject Property is located at 424-426 Spruce Street, City of Reading, Berks County, Pennsylvania 19602.
3. The Subject Property is located in the R-3 Residential Zoning District.

4. The specific sections of the Zoning Ordinance appealed are 600-804 and 600-1101.
5. The Zoning Board is permitted to provide interpretation and grant applications for variances as set forth in the relevant sections of the Zoning Ordinance.
6. In order to grant the requested variances, Applicant must show he has satisfied the relevant sections of the Zoning Ordinance.
7. After reviewing the Applicant's request in detail, the Zoning Board enters the following Decision:
  - a. Applicant is hereby denied the requested relief to convert the existing two (2) single family dwellings to a total of seven (7) dwelling units because:
    - (1) The Applicant can use the Subject Property within the strict terms of the Zoning Ordinance;
    - (2) There is no hardship at the Subject Property; and
    - (3) The creation of seven (7) units would be a detriment to the neighborhood.

The decision of this Board is by a vote of 4 to 0.

**ZONING HEARING BOARD OF THE CITY  
OF READING**

  
PHILIP RABENA, CHAIRMAN

  
THOMAS FOX

  
JEFFREY GATTONE

  
JARED BARCZ